



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खंड IV]

शिमला, शनिवार, 21 जुलाई, 1956

संख्या 29

भाग १—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जुड़िशल कमिशनरज़ कोर्ट द्वारा अधिसचनाएं इत्यादि

HIMACHAL PRADESH GOVERNMENT

HOME DEPARTMENT

NOTIFICATIONS

Simla-4, the 12th July, 1956

No. HGT. 54-5/49.—In continuation of this Government Notification No. HGT. 54-5/49, dated the 17th May, 1955, the Lieutenant Governor, Himachal Pradesh, is pleased to extend the period of appointment of Shri Bhup Singh, Vice-President, Municipal Committee, Mandi for a period of one year with effect from the 17th May, 1956.

By order,
K. R. CHANDEL,
Assistant Secretary

Singapore, the 13th July, 1956

No. HGT. 43/55.—In exercise of the powers conferred by paragraph 24 of the Himachal Pradesh (Courts) Order, 1948, the Lieutenant Governor, Himachal Pradesh, after consultation with the Judicial Commissioner, Himachal Pradesh is pleased to confer with immediate effect on Shri Bansi Dhar Sharma, Senior Subordinate Judge, Mandi District, the jurisdiction of a judge of the Court of Small Causes, under the Provincial Small Cause Courts Act, 1887 (IX of 1887) for the trial of small cause suits upto the value of Rs. 200 (Rupees two hundred only) to be exercised by him within the local limits (municipal limits) of Mandi town in Mandi District.

K. R. CHANDEL,
Assistant Secretary.

LAW DEPARTMENT**NOTIFICATIONS***Simla-4, the 14/16th July, 1956*

No. LR. 72-80/50-II.—The Lieutenant Governor, Himachal Pradesh, has been pleased to order the retirement of Shri L. N. Sethi, Public Prosecutor-cum-Government Advocate, Chamba District, from Government Service with effect from the 15th July, 1956 as he has attained the age of superannuation i.e. 55 years.

Simla-4, the 16th July, 1956

No. LR. 72-80/50-III.—The Lieutenant Governor, Himachal Pradesh, is pleased to order the re-employment of Shri L. N. Sethi, B. A., LL. B., retired Public Prosecutor as a Public Prosecutor-cum-Government Advocate for Chamba District on a fixed salary of Rs. 400 with usual allowances permissible under the rules upto 31st October, 1956, with effect from the date he reports for duty. His services are liable to be terminated earlier on one month's notice.

By order,
LAKSHMAN DASS,
Assistant Secretary (Judicial).

MEDICAL DEPARTMENT**NOTIFICATIONS***Simla-4, the 14th July, 1956*

No. M. 111-15/53.—In supersession of Medical Department Notification No. M. 111-15/53, dated the 2nd November, 1955, Dr. W. C. Malhotra is granted 45 days' earned leave on medical grounds with effect from 29th September, 1955 (F. N.) with permission to suffix Sunday the 13th November, 1955.

Simla-4, the 16th July, 1956

No. M. 65-212/52-II.—Himachal Pradesh Government Notification of even number, dated the 30th May, 1956 sanctioning 30 days' earned leave to Dr. (Mrs.) K. Pandiya, Lady C.A.S. I (Gazetted) is hereby cancelled.

H. R. MAHAJAN,
Assistant Secretary.

Simla-4, the 16th July, 1956

No. M. 65-173/55.—In continuation of Notification No. M. 65-173/53, dated 2nd September, 1955, the temporary appointment of Dr. O. P. Mallick, M.B.B.S., Civil Assistant Surgeon Class I (Gazetted) is extended for a period of one year with effect from 1st March, 1956 to 28th February, 1957.

C. D. SHARMA,
Secretary.

REVENUE DEPARTMENT**NOTIFICATIONS***Simla-4, the 12th July, 1956*

No. R. 60-49/56.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for the construction of Border Police building for check post, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

2. This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894, as applied to Himachal Pradesh to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor is pleased to authorise the officers for the time being engaged in the undertaking with the servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification file an objection in writing before the Collector of Mahasu District, Kasumti.

SPECIFICATION*District : MAHASU**Tehsil : CHINI**Village : DRUBLING*

Khasra No.	Area Bighas	Area Biswas
213	1	11

Simla-4, the 13th July, 1956

No. R. 81-276/49.—In exercise of the powers conferred upon him under section 3 (c) of the Land Acquisition Act, 1894, as applied to Himachal Pradesh, the Lieutenant Governor, Himachal Pradesh, is pleased to vest all the Assistant Collectors 1st grade in Bilaspur District with the powers of Collector under the said Act within the District of Bilaspur.

Simla-4, the 14th July, 1956

No. R. 60-106/55.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for the construction of Kasumti-Junga Road, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

2. This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894, as applied to Himachal Pradesh to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh, P.W.D., Kennedy House, Simla.

SPECIFICATION*District : MAHASU**Tehsil : KASUMPTI*

Village	Khasra No.	Area Bighas	Area Biswas
1	2	3	4
MEHLI	1017/992/1	0	10
	1018/992/1	2	4
	1024/992/1	0	1
	1016/992/1	1	16
	1025/992/1	0	1
	1015/992/1	1	11
	1005/105/1	3	2
	1021/992/1	0	15
	1021/992/2	0	15
	1004/105/1	0	6
	1022/992/1	2	13

By order,
BASANT RAI,
Assistant Secretary.

ग २—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएँ इत्यादि
DIRECTORATE OF CONSOLIDATION OF HOLDINGS

NOTIFICATION*Simla-5, the 12th July, 1956*

No. R. 1-7/55-II-CH.—With the object of consolidating holdings in the under mentioned estates in the interest of the general public and for the purpose of better cultivation of land therein, the Director Consolidation of Holdings, Himachal Pradesh, in exercise of the powers conferred under Section 3 of the Himachal Pradesh Consolidation of Holdings Act, 1953 (Act X of 1954) as delegated to him *vide* Himachal Pradesh Government Notification No. R. 86-66/52, dated the 14th February, 1955, hereby declares the intention of Himachal Pradesh Government on its own motion to make a scheme for Consolidation of Holdings in the said estates.

l. No.	Name of Estate	H. B. Total No. area in Tehsil District acres					
		1	2	3	4	5	6
1	Kishanpur	..	128	452	Paonta	Sirmur	
2	Bral	..	131	578	"	"	
3	Ghotanpur	..	132	171	"	"	
4	Patalyon	..	133	440	"	"	
5	Surajpur	..	134	407	"	"	
6	Puruwala-Santokhgarh	135	349	"	"		
7	Amargarh	..	136	205	"	"	

		1	2	3	4	5	6
8	Puruwala-Kanshipur	..	139	520	Paonta	Sirmur	
9	Kiratpur-Bhagwanpur	..	140	492	"	"	
10	Pipliwala	..	138	276	"	"	
11	Johron	..	137	175	"	"	
12	Fetahpur	..	145	472	"	"	
13	Majra	..	149	625	"	"	
14	Senwala	..	151	529	"	"	
15	Kotri	..	143	467	"	"	
16	Bivas	..	142	427	"	"	
17	Chandpur	..	144	109	"	"	
18	Gulabgarh	..	141	235	"	"	
19	Tokanagala	..	125	562	"	"	
20	Kandon	..	126	324	"	"	
21	Ajaiwala	..	124	169	"	"	
22	Ganguwala-Jamniwala	..	123	762	"	"	
23	Bainkuna	..	127	283	"	"	
24	Dhorm Koti	..	122	155	"	"	
25	Gondopur	..	98	203	"	"	
26	Amarkot	..	97	199	"	"	
27	Nihalgarh	..	96	294	"	"	
28	Ganguwala	..	120	303	"	"	
29	Bhungarani	..	100	267	"	"	
30	Satiwala	..	130	215	"	"	
31	Misarwala	..	146	673	"	"	

BASANT RAI,
Director.

ग ३—अधिनियम, विधेयक और विधेयकों पर प्रबल समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि।

विधान सभा**अधिसूचना**

दिनांक, शिमला-4, 6 जुलाई, 1956

सं. बी० एस० 54/56.—गवर्नरमैंट आफ पार्ट “सी” स्टेट्स ऐक्ट, 1951 की धारा 26 की उपधारा (2) के अधीन भारत के राष्ट्रपति महोदय ने दिनांक 12 जून, 1956 को हिमाचल प्रदेश विधान सभा द्वारा पारित किए गए निम्नलिखित विधेयक पर स्वीकृति प्रदान कर दी है और त्रैन उसे हिमाचल प्रदेश विधान सभा के प्रक्रिया नियमों के नियम 126 के अधीन सर्वसामान्य की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

लक्ष्मण दास,
सचिव।

Assented by President on 12-6-56

अधिनियम सं. 11, 1956

हिमाचल प्रदेश फलपौद-उत्पादनक्षेत्र पंजीयन अधिनियम, 1956

हिमाचल प्रदेश में फलपौद-उत्पादनक्षेत्रों (नर्सरीज) के पंजीयन (रजिस्ट्रेशन) की व्यवस्था का

अधिनियम

यह भारतीय गणतन्त्र के सततें वर्ष में हिमाचल प्रदेश की विधान सभा द्वारा निम्नलिखित रूप में अधिनियमित किया जाए :

1. संक्षिप्त नाम, प्रसार और प्रारम्भ.—(1) इस अधिनियम का नाम हिमाचल प्रदेश फलपौद-उत्पादनक्षेत्र पंजीयन अधिनियम, 1956 होगा।

(2) इसका प्रभार समस्त हिमाचल प्रदेश राज्य में होगा।

(3) यह उस दिनांक से प्रचलित होगा, जिसे राज्यशासन इस देते अधिकृतना द्वारा नियत करे।

2. परिभाषाएँ.—जब तक विषय या संदर्भ में कोई चात प्रतिकूल न हो, इस अधिनियम में,—

(1) “निरीक्षण-अधिकारी (इन्सपैक्टर ऑफिसर)” का तात्पर्य किसी ऐसे पदाधिकारी से है, जो कुपि निरीक्षक (एंग्रीकल्चर इन्सपैक्टर) से कम वदवा का न हो, जिसे कृषि-संचालक (डायरेक्टर आफ एंग्रीकल्चर) ने पौद-उत्पादन जैव (नसरीज) का निरीक्षण (इन्सपैक्शन) करने के लिए प्राप्तिकृत किया हो;

(2) “पौद-उत्पादक (नसरीमैन)” का तात्पर्य ऐसे व्यक्ति से है, जो फल के पौदों के उत्पादन का काम करता हो;

(3) “पौद-सामग्री (प्लान्ट मैटेरियल)” का तात्पर्य पौदा उगाने में प्रयोग की गई किसी प्रजनन सामग्री (propagation material) से है और इसके अन्तर्गत है—कौपल (budwood), अंकुर (scion), जड़ (root-stock) और बीज (seeds);

(4) “विहिन” का तात्पर्य इस अधिनियम के उपर्योग बनाए गए नियमों द्वारा विहित से है;

(5) “राज्य शासन” का तात्पर्य हिमाचल प्रदेश के उपराज्यपाल से है।

3. पंजीयन (रजिस्ट्रेशन).—पौद-उत्पादन जैवों के पौदे उगाने और बेचने के काम में लगे हुए पौद-उत्पादक (नसरीमैन) के लिए, अपना वा अपनी फर्म (firm) का पंजीयन (रजिस्ट्रेशन) रजिस्ट्रेशन के पास करना अनिवार्य होगा।

4. प्रजनन के प्रयोजनाथ उपयोग में लाई जा सकने वाली पौद-सामग्री (प्लान्ट मैटेरियल).—पंजीकृत (रजिस्टर्ड) पौद-उत्पादक या पौद-उत्पादकों की फर्म प्रजनन के लिए अंकुर (scion) और जड़ों (root-stock) के सम्बन्ध में वही पौद-सामग्री प्रयोग करेगी, जो राज्यशासन द्वारा समय समय पर अनुमोदित की जाए।

5. अभिलेख और उसका निरीक्षण.—पंजीकृत (रजिस्टर्ड) पौद-उत्पादक या पौद-उत्पादकों की फर्म जड़ों (root-stock), अंकुर (scion) तथा कौपल (budwood) के उद्भव (origin) या उद्गम स्थान (source) का पूर्ण अभिलेख रखेगी और कृषि संचालक या किसी निरीक्षण अधिकारी (इन्सपैक्टर ऑफिसर) के मांग करने पर उस अभिलेख निरीक्षणार्थ प्रस्तुत करेगी।

6. स्थलों तथा वृक्षों को कीटों (insects), विनाशीकीटों (pests) और रोगों से मुक्त रखा जाएगा.—पौद-उत्पादन स्थलों (नसरी प्लाट्स) तथा साथ ही साथ पौद-उत्पादन क्षेत्र (नसरी) के पौदों और वृक्षों के उत्पादन के लिए प्रयोग में लाए गए पौदे और वृक्ष नियमों में विशिष्ट कीटों (insect), विनाशीकीटों (pest) और रोगों से मुक्त रखे जाएंगे।

7. पौद-उत्पादन जैवों का निरीक्षण (1).—निरीक्षण-अधिकारी (इन्सपैक्टर ऑफिसर) इस बात का सुनिश्चयन करने के लिए समय २ पर पौद-उत्पादन क्षेत्रों का निरीक्षण करेगा कि पौद-उत्पादन क्षेत्र के पौदों और वृक्षों के लिए प्रयोग में लाए गए पौद-उत्पादन स्थल (नसरी प्लाट्स), कीटों (insects), विनाशी कीटों (pests) तथा रोगों से मुक्त रखे गए हैं, और पौद-उत्पादकों को अंकुरित अथवा रोगी (infected or infested) पौदों या वृक्षों को हटाने और नष्ट करने का निवेश दे सकेगा।

(2) पौद-उत्पादक उक्त लिखित निदेश प्राप्त होने पर विहित अवधि में उक्त पौदों या वृक्षों को हटा देगा।

8. संचेटिकाम (packages) और उन पर लेबल लगाना.—(1) बैची गई किसी (kind) और जाति (variety) का संचित करने के लिए पौदे या पौदों की संचेटिका (package) या आधान (container) पर स्पष्टतया लेबल लगाया जाएगा।

(2) यदि भंडेभिका (package) या आधान (container) में एक से अधिक किसम (kind) और जाति (variety) के पौदे हों तो प्रत्येक पौदे पर लेबल लगाया जाएगा।

(3) लेबल पर जड़ों (root-stock) तथा अंकुर (scion) का नाम दिया जाएगा।

9. पंजी (रजिस्टर) रखना.—(1) प्रत्येक पौद-उत्पादक (नसरीमैन) विहित रूप में एक ऐसी पंजी (रजिस्टर) रखेगा, जिसमें बैची गई पौद सामग्री (plant material) से संबंधित पूरी सूचना तथा साथ ही साथ केता का नाम और पूरा पता दिया गया हो।

(2) व्यवहार पूर्ण हो जाने के दिनांक के पश्चात् कम से कम दस वर्ष तक पौद-उत्पादक (नसरीमैन) द्वारा पंजी (रजिस्टर) सुरक्षित रखी जाएगी।

10. वे जातियां (varieties) जिनका प्रजनन विक्रयार्थ किया जायगा.—(1) केवल उन्हीं जातियों (varieties) का विक्रयार्थ प्रजनन किया जायगा, जिनकी शासन के कृषि विभाग ने सिफारिश की हो या अनुमोदन किया हो।

(2) यदि पौद-उत्पादक (नर्सरीमैन) द्वारा अपनी सम्पदा पर मंगाई गई या विकसित (imported or evolved) किसी जाति या जातियों का अभिप्राय प्रजनन (propagation) हो तो सम्बद्ध जाति (variety in question) भिन्न या पुथक् नाम से वेती जाने से पूर्व उस जातियों के सम्पूर्ण गुण (full characteristics) कृषि-संचालक या कृषि संचालक द्वारा इस हेतु प्राधिकृत राज-पत्रित प्राविकारी (gazetted officer) को दिखाए जाएंगे तथा अनुमोदित करवाए जाएंगे।

11. शास्त्रियां (penalties).—इस अधिनियम के किन्हीं भी उपकरणों के उल्लंघन के लिए पौद-उत्पादक (नर्सरीमैन) तथा फर्म की दशा में फर्म के समस्त सदस्य, अपराधी ठहराए जाने पर, एसे अर्थदण्ड द्वारा दण्डित किए जाएंगे जो दो सौ रुपय तक हो सकेगा।

12. कृषि-संचालक या प्राधिकृत पदाधिकारी द्वारा अभियोजन (prosecution).—इस अधिनियम के अधीन किसी भी अपराध के लिए कोई भी अभियोग केवल उसी दशा में चलाया जाएगा जब हिमाचल प्रदेश के कृषि-संचालक या इस हेतु उसके द्वारा विशेष रूप से प्राधिकृत किसी पदाधिकारी ने, जो कृषि निरीक्षक से कम पढ़ती का न हो, लिख कर शिकायत दी हो अन्यथा नहीं।

13. वैधानिक कार्यवाहियों पर स्कावट.—राज्य के किसी भी कर्मचारी (public servant) के विरुद्ध इस अधिनियम के अधीन अभिप्रेत या सदमाव से किए गए किसी भी कार्य के सम्बन्ध में कोई भी वाद, अभियोग या वैधानिक कार्यवाहियों नहीं चलाई जाएगी।

14. नियम बनाने की शक्ति.—राज्यशासन इस अधिनियम के उपकरणों को कार्यान्वयन करने के लिए नियम बना सकेगा।

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटाफाइड और टाउन एसिया तथा पंचायत विभाग

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 12th July, 1956

Himachal Pradesh, with the previous approval of the Lieutenant Governor, Himachal Pradesh, has exempted agricultural machinery and implements imported by any person from the payment of octroi tax.

H. R. MAHAJAN,
Assistant Secretary (Local Self Government).

भाग 5—वैयक्तिक अधिसूचनाएँ और विज्ञापन

In the Court of the Senior Sub Judge, Sirmur District,
Nahan

Suit No. 3/2 of 1956

Runu, Bhajnu sons of Jalmu, Caste Koli, resident of Bakras, Tehsil Rainka Insolvent.

versus

1. Man Singh s/o Bali Ram 2. Budhia 3. Arshu s/o Ishru 4. Mansha s/o Jalmu Rajput, resident of Bakras 5. Ritha s/o Bhikh Brahman 6. Mina 7. Shibu sons of Bhup Singh 8. Kehru s/o Premu Brahman, resident of Batudy 9. Mohi Ram s/o Dangi 10. Shibia 11. Bhupia 12. Kali Ram son of Khonku Caste Rajput 13. Sobha 14. Kalja 15. Hari Singh sons of Sees Ram Rajput, resident of Hundahan Pati Kandari 16. Bhupia 17. Chandnu sons of Jalmu Rajput 18. Gulab Singh s/o Harku Rajput, resident of Ghundahan Pati Fadag 19. Hira Singh s/o Dangi 20. Mani Ram s/o Deudu Rajput 21. Hira s/o Ishru Rajput 22. Sawnoo s/o Kesru Koli, resident of Ghundahan Pati Bamrad 23. Hari Ram 24. Mohi Ram sons of Shibu Rajput 25. Sobha 26. Mina 27. Dhirjoo sons of Nakta Caste Koli 28. Sher Singh 29. Kalu sons of Dhianu Rajput, resident of Ghundahan Pati Durech 30. Shibia s/o Sadhu Rajput, resident of Kota Pav 31. Beni Parshad Shop-keeper, resident of Ashiari 32. Khigru Brahman, resident of Bhatgarh, Tehsil Rainka 33. Mst. Janki w/o Dhirjoo, resident of Bakras, Tehsil Rainka 34. Chatter Singh, Shop-keeper, resident of Saton, Tehsil Paunta Creditors.

Application under Section 7 of the Provincial Insolvency Act, 5 of 1920 for adjudicating the Petitioners

Insolvent. To all the creditors named above and others.

Whereas Runu and Bhajnu, Petitioners, have applied by a petition, dated 20th June, 1956 to be declared insolvents under the Provincial Insolvency Act, and the said petition has been admitted and fixed for 6th August, 1956, any body having objection to the grant of the said petition should attend in person or by a duly authorised agent on the said date.

Given under my hand and the seal of the Court this 6th day of July, 1956.

OM PARKASH,
Senior Sub Judge, Nahan.
Seal

अज्ञ अदालत श्री तारा चन्द रिवाल, बी० ए०, ऐ० ए० बी०,
अंडिशनल सर जज बहादुर, जिला मन्डी, हिमाचल प्रदेश

इस्तहार आड़ 5, रु 20 जाल्ता दोवानी

मिसल नं० 153, मरजुआ 11-6-56 मुतदायरा

केसरू बलद उदे राम, जात राजपूत, सकना तरौहु, इलाका रडेह
धार पलिउहत....वादी

वादी

वसेतु बलद वसाख, जात राजपूत, सकना खतवाची, इलाका बदार,
तहसील सदर, जिला मन्डी....प्रतिवादी

दावा दिलापाने मुद्रित 134-5-0 बर्ल्ये तमस्क

उक्त शरणीक मुद्रित में अदालत को तामील कुनिन्दा व व्यान
हलको वादी से निश्चय हो चुका है कि प्रतिवादी पर साधारण तीर से

तामील नहीं हो सकती। अतएव इस इश्तहार द्वारा उक्त प्रतिवादी को सूचित किया जाता है कि वह स्वयं या बकील द्वारा अपने मुकदमे की पैरेंटी इस ग्राहालत में उपस्थित होकर 3-8-56 को 10 बजे सुबह को करे वरना उसके विपरीत कार्रवाई यकतरफा अमल में लाई जावेगी। 6-7-56

आज मेरे दस्तखत व मोहर से जारी किया गया।

मुद्रा

तारा चन्द्र रिवाल,
अधिकारी सब जज,
मनडी।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 15th February, 1956

No. LR. 1-80/55.—The following Act passed by the Parliament of India and already published in the Gazette of India, Extraordinary, Part II, Section 1, is hereby republished in the State Gazette for the information of general public.

B. D. SHARMA,
Assistant Secretary (Judicial).

Received Assent on 30-12-55

THE CITIZENSHIP ACT, 1955

(57 OF 55)

AN

ACT

to provide for the acquisition and termination of Indian citizenship.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Citizenship Act, 1955.

2. Interpretation.—(1) In this Act, unless the context otherwise requires,—

(a) “a Government in India” means the Central Government or a State Government;

(b) “citizen”, in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) “citizenship or nationality law”, in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

(d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) “minor” means a person who has not attained the age of eighteen years;

(f) “person” does not include any company or association or body of individuals, whether incorporated or not;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “undivided India” means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor, and of full capacity if he is not of unsound mind.

ACQUISITION OF CITIZENSHIP

3. Citizenship by birth.—(1) Except as provided in sub-section (2) of this section, every person born in India on or after the 26th January, 1950, shall be a citizen of India by birth.

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth—

(a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

4. Citizenship by descent.—(1) A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth:

Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India.

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), any male person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. Citizenship by registration.—(1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:—

(a) persons of Indian origin who are ordinarily resident in India and have been so resident for six months immediately before making an application for registration;

(b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

- (c) women who are, or have been, married to citizens of India;
- (d) minor children of persons who are citizens of India; and
- (e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation.—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

6. Citizenship by naturalisation.—(1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

7. Citizenship by incorporation of territory.—If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

TERMINATION OF CITIZENSHIP

8. Renunciation of citizenship.—(1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

- (2) Where a male person ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(3) For the purposes of this section, any woman who is, or has been married shall be deemed to be of full age.

9. Termination of citizenship.—(1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

10. Deprivation of citizenship.—(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause (b)(ii) of article 6 of the Constitution or clause (a) of sub-section (1) of section 5 of this Act shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

- (a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or
- (c) that citizen has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or
- (e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application thereto in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

SUPPLEMENTAL

11. Commonwealth citizenship.—Every person who is citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.

12. Power to confer rights of Indian citizen on citizens of certain countries.—(1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

13. Certificate of citizenship in case of doubt.—The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

14. Disposal of application under sections 5 and 6.—(1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

15. Revision.—(1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order make an application to the Central Government for a revision of that order:

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

16. Delegation of powers.—The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

17. Offences.—Any person who, for the purpose of procuring anything to be done or not to be done under

this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

18. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the registration of anything required or authorised under this Act to be registered, and the conditions and restrictions in regard to such registration;
- (b) the forms to be used and the registers to be maintained under this Act;
- (c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;
- (d) the giving of any notice required or authorised to be given by any person under this Act;
- (e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;
- (f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying out-side India;
- (g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;
- (h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;
- (i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;
- (j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and
- (k) any other matter which is to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

19. Repeals.—(1) The British Nationality and Status of Aliens Acts, 1914 to 1943 are hereby repealed in their application to India.

(2) All laws relating to naturalisation which are in force in any part of India are hereby repealed.

THE FIRST SCHEDULE

[See sections 2(1) (b) and 5(1)(e)]

A. The following Commonwealth countries:—

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.

B. The Republic of Ireland.

Explanation.—In this Schedule, “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and “Commonwealth of Australia” includes the territories of Papua and the territory of Norfolk Island.

THE SECOND SCHEDULE

[See sections 5(2) and 6(2)]

OATH OF ALLEGIANCE

I, A. B. do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

THE THIRD SCHEDULE

[See section 6(1)]

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are:—

- (a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;
- (b) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;

- (c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;
- (d) that during the seven years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;
- (e) that he is of good character.
- (f) that he has an adequate knowledge of a language specified in the eighth Schedule to the Constitution; and
- (g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

- (i) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;
- (ii) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

**भाग 7—भारतीय निर्वाचन-आयोग (Election Commission of India) की वैधानिक अधिसूचनाएँ
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएँ।**

शृंखला

अनुप्रकृति

शृंखला